

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 15-cr-20382

v.

HON. VICTORIA A. ROBERTS

D-1 PAUL NICOLETTI,

MJ MONA K. MAJZOUB

Defendant.

/

**PARTIES' JOINT STATEMENT OF
RESOLVED AND UNRESOLVED ISSUES RELATIVE
TO DEFENDANT'S MOTION FOR DISCOVERY (Doc. #25)**

The United States of America, Plaintiff, and Paul Nicoletti, Defendant, through their undersigned counsel, hereby submit this statement of resolved and unresolved issues relating to Defendant's Motion for Discovery (Doc. #25):

- (1) The parties agree that whether the test for materiality for purposes of bank fraud conspiracy (18 U.S.C. §1349) and bank fraud (18 U.S.C. §1344) is an objective one or a subjective one **remains unresolved**, but agree that if materiality is to be determined by an objective standard, that is, their effect on a reasonably prudent lender, then the discovery defendant seeks in this motion is not "material to

his defense" or otherwise discoverable under Rule 16 or *Brady* and its progeny;

(2) The parties agree that whether the materials the defendant seeks in this discovery motion are in the possession of the government ***remains unresolved.***

Respectfully submitted,

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